



PLANNING COMMISSION MINUTES

Regular Meeting
November 3, 2014 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler, Combs, Eiref (Chair), Ferrick (Absent), Kadvany, Onken (Vice Chair), Strehl

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; David Hogan, Contract Planner; Michele Morris, Assistant Planner; Justin Murphy, Development Services Manager; Corinna Sandmeier, Associate Planner; Tom Smith, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. General Plan – Symposium #2 (October 8, 2014); Mobile Tour #2 (October 14, 2014); Focus Group #2 (October 16, 2014); GPAC Meeting #2 (November 10, 2014)

Senior Planner Chow reported on the educational activities that had transpired and would transpire on the General Plan Update or ConnectMenlo. She said staff has compiled the results from the survey which was done for presentation to the GPAC at their November 10 meeting. (She indicated the date might change to November 12, 2014.) She said the GPAC would provide recommendation to a joint City Council and Planning Commission meeting on November 18, 2014. She said an Open House for the Belle Haven neighborhood on the General Plan Update and ConnectMenlo would be held on November 5, 2014.

- b. El Camino Real/Downtown Specific Plan 2014 Amendments – City Council – October 29, 2014

Senior Planner Chow said the City Council at a special meeting on October 29, 2014 unanimously approved amendments to the El Camino Real/Downtown Specific Plan based on the recommendations of the Planning Commission. She said those changes were effective immediately.

- c. State of the City – November 13, 2014

Senior Planner Chow said all of the Commissioners should have received invitations to hear the Mayor's State of the City address on November 13, 2014.

B. PUBLIC COMMENTS #1

There was none.

C. CONSENT

Commission Action: M/S Onken/Strehl to approve the consent calendar.

C1. Approval of minutes from the September 22, 2014 Planning Commission meeting
(Attachment)

C2. Approval of minutes from the October 6, 2014 Planning Commission meeting (Attachment)

Motion carried 6-0 with Commissioner Ferrick absent.

D. PUBLIC HEARING

D1. Use Permit/Larry Kahle/15 Greenwood Place: Request for a use permit to demolish an existing single-story, single family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot width and lot area in the R-1-U (Single-Family Urban) zoning district. The project also includes a request for excavation (removal of more than 12 inches of dirt) within the required left and right side setbacks associated with the creation of basement light wells. (Attachment)

Staff Comment: Planner Smith said since the staff report was printed that staff had received a letter from a neighbor expressing concern with the project related to the upper story windows on the west and south facing sides of the project. He said the neighbors were requesting two conditions to have frosted glass in the three master bathroom windows. He said their other concern was the landscape screening between their home and the project which they feared would be damaged during construction. He said they were seeking assurances that the landscape screening would be replaced upon construction of the project.

Public Comment: Mr. Larry Kahle, project architect, said they were meeting with the neighbors outside of the Chambers to discuss the window treatment. He said they would definitely frost the window on the master bathroom on the west side.

Mr. Matt Heinz, co-owner of 15 Greenwood Place, said they had met with the neighbors to discuss the master bathroom window and the hedge between the properties. He said the letter staff received today mentioned two other windows and they needed to look at the line of sight for those. He said they had mutually agreed they wanted the hedges between the properties. He said those were now about 15-feet tall and screened where the windows would be with the new project. He said they received the neighbor's letter indicating concern with an additional two windows about an hour and a half earlier this evening.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref said he visited the area and there a mixture of one and two-story homes. He said the area was not particularly dense.

Commissioner Onken said the small windows on the other bathroom were fairly inconspicuous and would not need frosted glass. He suggested the master bath window could be etched on the bottom half and the upper half left clear. He noted the design broke up the mass of the double garage door.

Commissioner Strehl asked if replacing the hedge screening between the properties was agreeable to the applicant. Mr. Himes said that there currently was a 15-foot hedge between

the properties. He said they had not gotten to a formal landscape plan yet but their intent was to maintain privacy between the properties. He said they intended to keep the hedge in place during construction but noted the hedge was dying on his side. He said they definitely would plant something that would provide privacy and height like the existing hedge.

Commissioner Onken noted that the primary protection for privacy was window treatment.

Commission Kadvany said it would be helpful to see sight lines from the window views to the neighboring property. He said the second story was set back. He said that frosted glass was not the answer and it impacted the property owner's natural light.

Commissioner Combs noted he had visited the project neighborhood over the weekend and that this project seemed to fit with the neighborhood.

Commissioner Onken moved to make the findings for 15 Greenwood Place subject to a modification to require the west facing master bathroom window be obscured. Commissioner Combs seconded the motion.

Commissioner Kadvany said Commissioner Onken had previously talked about a window that was half-obscured. He asked if he could make a friendly amendment for the west-facing window to be partially or fully obscured to the satisfaction of the property owner and facing neighbor. Commissioners Onken and Combs the makers of the motion and second respectively accepted Commissioner Kadvany's friendly amendment.

Chair Eiref said he typically did not like to require such window treatment but in this case he would support.

Commission Action: M/S Onken/Combs to approve the use permit request as recommended in the staff report with one modification.

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 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 Metropolis Architecture, consisting of seven plan sheets, dated received on October 20, 2014, and approved by the Planning Commission on November 3, 2014, 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.
4. Approve the use permit subject to the following project-specific conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall reduce the length of the landing place/stair shown on Sheet A3, located at the side yard entrance to the mud room, so that it is no less than four feet from the left side lot line, or remove the door and landing/stair entirely, as required by Section 16.60.010 of the Municipal Code. The revised plans shall be subject to review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall partially or completely obscure the glass of the west-facing master bathroom window to provide greater privacy to the property at 14 Greenwood Place. The revised plans shall be subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Ferrick absent.

D2. Use Permit/Arzang Development L.P./50 Cornell Road: Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot width and area in the R-1-U (Single-Family Urban) zoning district. (*Attachment*)

Staff Comment: Planner Sandmeier said staff had no changes to the staff report.

Public Comment: Mr. Phillip Kamangar, applicant, said they intended to demolish an older one-story home and construct a new two-story home. He said the architect looked at the neighborhood and tried to keep the design of the home within the Allied Arts neighborhood look. He said he hand delivered notices to all of the neighbors. He said a few contacted him and he met with them at the house to review the plans.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Onken said the proposed design was well within the daylight plane on both sides, and thought it was easily approved. He said the double garage was less than half the width of the house which was a rule of thumb.

Commissioner Bressler said he thought it was a very attractive house and he supported the proposal.

Commissioner Combs said he liked the existing home but thought the proposal was approvable.

Commission Action: M/S Combs/Bressler to make the findings and approve the project as recommended in the staff report.

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 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 Atelier Designs, consisting of 10 plan sheets, dated received October 22, 2014, and approved by the Planning Commission on November 3, 2014, 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.

Motion carried 6-0 with Commissioner Ferrick absent.

D3. Use Permit Revision/Victor Buathier/1900 Santa Cruz Avenue: Request for a use permit revision to enlarge a basement light well with stairs and add a new attached trellis, both at the rear of the residence, to a previously approved two-story structure on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district. The initial use permit for a two-story structure was approved by the Planning Commission on October 7, 2013, and the project received a use permit revision to add the basement on March 10, 2014. (*Attachment*)

Staff Comment: Planner Morris said a neighbor on the southwest side of the project site wrote since publication of the staff report suggesting the trellis be smaller than proposed.

Public Comment: Mr. Victor Buathier, applicant, said the trellis was to the rear of the home but the neighbor was on the side of the home. He said she was worried about impact to light. He said their home was situated front to back east to west so the trellis would not impact sunlight to the neighbor.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref said the trellis was one-story and he did not see how it would impact the sunlight.

Commissioner Bressler asked why this change was coming to the Commission.

Senior Planner Chow said it was a combination of the trellis which impacted lot coverage and the light well for the basement was changing from a ladder type light well to a stairway light well.

Commission Action: M/S Onken/Kadvany moved to approve as recommended in the staff report.

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 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 Tektive Design, consisting of 17 plan sheets, dated received October 21, 2014, and approved by the Planning Commission on November 3, 2014 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.

Motion carried 6-0 with Commissioner Ferrick absent.

D4. Use Permit/AT&T Wireless - Mark W. Jones/321 Middlefield Road: Request for a use permit for a new wireless telecommunications facility and an associated equipment enclosure at an existing two-story medical office building located in the C-1 (Administrative and Professional, Restrictive) zoning district. The use proposal includes the following: 1) the temporary installation of six panel antennas behind a screen on the existing building rooftop and associated outdoor equipment on a concrete pad within a screened area, 2) temporary parking reduction of two spaces to allow installation of the temporary equipment pad, and 3) a permanent installation of 12 panel antennas and associated equipment cabinets located behind a screen on top of the building. After the permanent wireless telecommunications facility and equipment enclosure are mounted on the rooftop, the temporary telecommunications facility and equipment will be removed and the parking spaces returned to active use. (*Attachment*)

Staff Comment: Planner Morris said there were no changes to the staff report.

Public Comment: Mr. Mark Jones said he was representing AT&T Wireless. He said they were applying for a replacement site for their equipment currently located at 304 Middlefield Road, Menlo Park Fire District. He said about two years prior the District placed them on a month by month tenancy. He said the Fire Chief wanted the ladder tower back for exercises and AT&T and two other carriers' equipment were on that tower and would have to be removed.

Replying to questions from Chair Eiref, Mr. Jones said the new installation would have the latest technology. He said the new location with their installation would be completely screened and would be available for co-location by another carrier.

Commissioner Kadvany confirmed with the applicant that the antennas would be occluded behind a screen wall.

Commissioner Onken asked about the screening materials. Mr. Jones said the mechanical screening on the rooftop was a gray corrugated metal that their equipment would match in color. Mr. Jones had revised screening plans on his laptop he was able to share with the Commission and staff. Planner Chow said staff joined AT&T for the story pole simulation and the screening plans were revised based on that. She noted the photo-simulation in Attachment D should have had the screening as what was being shown to them this evening.

Mr. Gregory Youngblood, Menlo Park, said this cell tower would be located about 100 yards from his home noting he has three young children. He said he appreciated aesthetics but asked about safety and wireless installations. He said the research conclusions were controversial but asked the Commission to err on the side of caution. He noted that there were other locations in the area not so near residential areas. He asked that they push the applicant to locate the tower as far away from residential areas as possible.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref asked if staff could address the topic of wireless and proximity to wireless.

Planner Morris said the applicant had completed an RF report that directly addressed FCC standards and was shown on page F4 of the staff report. She said this location for a cell tower and antenna was compatible with the FCC standards. She said the screening for the antennas would be compatible with the existing screening. She said regarding health and safety concerns and findings for condition number 2 in the recommended approval that the FCC preempted over local laws in terms of health. She said in this case that concern was addressed in the RF report.

Mr. Jones said although FCC pre-empted local law and cities cannot weigh in on health concerns if a project is compliant with FCC standards that they were willing to do a post-report on measurements when the facility was running to show real time compliance with FCC standards. He said regarding FCC standards that concerned citizens would need to appeal directly to the FCC with their concerns.

Recognized by the Chair, Mr. Youngblood said that AT&T was a successful company and his request was to have them submit two other proposed sites that would be located less near residential homes.

Commissioner Onken said this would remove the fairly ugly tower from the top of the Fire District building but this project would add a story in height onto this other building. He said the existing screen hid the mechanical equipment but this additional screening would be 10-feet in height and that was taller than any typical mechanical equipment screening. He said because of that he would want the project, if approved, to specify that the additional screening would be in the same material as well as the color of the existing screening material.

Commissioner Kadvany suggested persons having concerns with health and safety because of such installations might look at page F5 of the staff report for more information. He said the National Council on Radiation Safety and Measurements, a group sponsored by the National Academy of Sciences in the U.S., would have a website with downloadable information. He said that human exposure to radio frequency and magnetic fields had been studied for decades and the standards of these wireless installations were from those studies. He said he agreed with Commissioner Onken about the visual impact of this proposed project and that the screening wall would create a big box.

Commissioner Bressler asked the applicant if the public exposure levels applied to the people working in the building as well. Mr. Jones said that was correct. He said there were occupational exposure levels and public exposure levels. He said they shared the report with the building owners and they in turn had sent it to a third party for review for both the public and people working in the building and area. He said the major subtenant of the building was Stanford Medical Center. He said AT&T has five wireless sites on the Stanford Campus. He said they have no concerns. Commissioner Bressler asked if Mr. Jones knew what a person's exposure speaking on a cell phone was. Mr. Jones said that as an example baby monitors put out more energy than cell tower antennas do. He said anything that received or put out a

frequency had an FCC sticker on it indicating compliance with FCC standards. He said regarding the height on the building roof that this was not being asked arbitrarily in that moving from the Fire District building to this site they were losing height. He said also antennas and metal did not mix as the signal reflects off the metal. He said one of the challenges on this roof was that it was metal and slanted. He said the height needed to be added to get above where the antennas would reflect off that metal roof. He said it was proposed at the minimum height it could be set and the screen wall would use fiberglass material that would match the existing screening wall.

Commissioner Combs asked if there were municipal restrictions regarding cell towers in other municipalities. Mr. Jones said that their installation was currently compatible with the City of Menlo Park's code for antennas on a structure. He said some jurisdictions were more restrictive and some less restrictive. He said in San Francisco the antennas can be right next to residential use if it's a mixed use. He said in Pleasanton that the code was much more restrictive and this created dead zones noting it impacted reception at high schools and stores such as Safeway. He said a greater number of people were getting rid of their landlines and just using cell phones for everyday use. Commissioner Combs asked where the nearest existing AT&T cell tower other than the one at the Fire District was. Mr. Jones said they have a small site on top of El Rancho Market. He said that AT&T in this application process had worked with staff to identify the best site and had considered whether they could do a flag pole or fake tree installation. He said in this instance they were making it appear like the existing HVAC screening.

Chair Eiref said he was concerned with aesthetics and this was the largest structure for a cell site they had seen. Mr. Jones said their lease area was 127 square feet and would have 12 proposed antennas divided into three sectors. He said each antenna was about two-feet wide and there was separation between each and all of the antennas. He said the radio equipment would be screened completely and was also for any future carrier co-locator. Chair Eiref asked about the other options he had mentioned. Mr. Jones said when they found out they would have to move from the current location they first explored the use of a mono-pine, a fake tree about 45 feet in height at 300 Middlefield Road. He said the alternative site analysis was on page C1 of the staff report. He said they could not reach concurrence with the Fire District on an appropriate site at 300 Middlefield. He said they then looked at the USGS tower but USGS would not allow another carrier there or anywhere on their campus. He said they looked at St. Patrick's Seminary, a large parcel, for building a mono-pine or some sort of tower there, but the property owner had no interest. He said they then contacted Pollack Financial, the owner of 321 Middlefield Road, and were able to reach agreement with them.

Commissioner Strehl asked if they had looked at 545 Middlefield Road. Mr. Jones said they looked at the other tall buildings in the vicinity and those were either getting too far away from this coverage gap area. He said in the instance of 545 Middlefield Road that the surrounding trees' height blocked the line of sight technology. Commissioner Strehl asked if the screening could be modified so it did not create a big box on top of the roof. Mr. Jones said a 10-foot wall needed to be braced for seismic and wind-loading impacts. He said this design would have buttresses coming down from the straight wall. He said if the wall were slanted or rounded that would mean more space would be needed for the bracing and that might interfere with the HVAC equipment.

Commissioner Kadvany said the project would create an industrial wall in appearance, on the top of the building. Mr. Jones said he understood Commissioner Kadvany's concern but the storyboard showed how well the screening would match the existing screen wall. He said it would not be that visible or out of character from what one might see if there was larger HVAC installation on the roof.

Chair Eiref said he was pleased that other alternatives were looked at and asked staff if they were comfortable that all options had been considered. He said no antenna site was aesthetically pleasing noting an installation in Sharon Heights that basically looked like a fat flagpole. Senior Planner Chow said the installation mentioned was on the Quadrus Campus and there had been concern by the Planning Commission when they considered it as the element did not taper at the top like a flagpole. She said in that instance the Commission found the installation was acceptable as it would be tucked away behind buildings and from Sand Hill Road. She said this applicant looked at a flagpole type installation but could not find a site where such an object would appear logical or fit within the environment. She said the buildings along Middlefield Road because of development height restriction were all about the same height as the site being proposed for the cell tower installation.

Chair Eiref asked about the co-carrier' relocation and how that would proceed. Mr. Jones said the Fire District had also given those carriers notice about the lease termination. He said the City's code pushed carriers to co-locate. He said when those carriers came to staff to apply for a relocation site, they would be told about AT&T's location which could accommodate another carrier. Chair Eiref asked who the other carriers were at the current site. Mr. Jones said Sprint and T-Mobile. Chair Eiref asked if there would be enough room at this proposed site for other carriers. Senior Planner Chow said staff did not know what the space needs were for the other carriers. She said if the Commission was more comfortable in limiting the space to AT&T needs then should other carriers apply with the intent of co-locating at this site their application would potentially look at expanding the screening. Chair Eiref said that it would not be unreasonable for staff to contact the other carriers about their needed move. He said this proposal was not aesthetically pleasing but perhaps that faded if the site could also be used by the other carriers needing to relocate.

Commissioner Strehl asked whether the structure as proposed could accommodate other carriers. Mr. Jones said the site could probably accommodate two co-locators. Chair Eiref suggested that if the Commission approved the project they should require the City to reach out to the other carriers. Commissioner Strehl said she did not think that was staff's responsibility. She said the Fire District had given the other carriers notice. Mr. Jones said the property owner of this site was reaching out to the other carriers as there was a revenue generation opportunity.

Commissioner Strehl moved to approve as recommended in the staff report. She said she recognized that it was not visually as attractive as desired but she suspected that over time it would not be noticed by drivers going by it. Commissioner Bressler seconded the motion.

Chair Eiref said he hoped they would not see two more similar applications on two other buildings in the vicinity by the other two carriers being displaced. Commissioner Bressler said the onus would be on the Planning Commission should that occur. He noted the subject property owner had essentially cornered the market on this type of use. Chair Eiref said the Commission was charged with architectural control and aesthetic standards for the City.

Commissioner Kadvany agreed noting that there were site standards for parapets and roofs in the City code, which he thought this proposal was steam rolling. He said he expressed a concern previously about clutter along Bayfront Expressway. He said the screening was large and he was not sure about the materials. He said that another similar proposal, on a second building, would not be acceptable to him.

Commissioner Bressler suggested amending the motion to require a three-year review of the use permit. Commissioner Strehl, the maker of the motion to approve, said this was a substantial investment for AT&T and she thought a term limit would be an unnecessary encumbrance, noting the property owner would set the lease term. Commissioner Bressler said this was an emergency solution for AT&T and they were telling the Commission that they could not do any better than this proposal which he did not know was true or not.

Chair Eiref suggested AT&T do a mock up of what was being proposed for people to see. Mr. Jones said the storyboard they did included a section of wall to accurately portray the exact height of what was being proposed. He said the person who created the photo-simulation used a modeling software tool. He said the constraints were that nothing could be in front of an antenna that was not RF transparent so the antennas had to be set above the existing wall as it was metal and would reflect the signal. He said the antenna themselves were four and a half feet tall and needed another foot under them for the cabling. He noted this installation would cost about \$700,000. He noted the project site building was not as tall as the Fire District building and lowering the antennas would impact propagation. He said often jurisdictions put in the motion that the site must substantially look like the photo-simulation, must comply with the drawings as submitted, and once the site was completed if staff determines that it was not what had been proposed, there had been instances where the installation has had to be replaced. He said their lease would be for 25 years. He said it took them from the time two years ago they were told they would need to relocate until now to find a suitable site. He said if they were approved this evening, conditionally or otherwise, they would apply for the building permit to start building in December so they were moved from the Fire District building by February with no gap in coverage.

Commissioner Strehl asked when the other carriers needed to move from the Fire District building. Mr. Jones said he did not know the exact termination dates but he believed they had signed leases about six months later than AT&T.

Commissioner Combs said the applicant seemed to be saying that there could be qualifiers in the approval to require the installation to look like what was shown in the drawings, but his impression was that Commissioners Bressler and Kadvany do not like what the drawings showed architecturally. Commissioner Kadvany said that was accurate. He said the building would be getting extra square footage and provided a significant revenue source for the building owner, and that would create a negative externality for the public. He noted that having cell towers was a benefit however.

Commissioner Eiref asked about Menlo-Atherton High School's suitability. Mr. Jones said it was much too far away. He said this installation would cover the residential and commercial area down to just past the light at the high school (noted propagation maps) and down a little bit past Willow Road. He said this would serve the constituents that the installation on the Fire District building was currently serving. He said each subsequent co-locator has to relocate based on its own project merits. He said they were building this so it was co-locatable but it was up to the

other carriers to apply. He said they reached out to other building owners and constituents. He said 345 Middlefield Road has a completely pitched roof that would be a nightmare to try to use. He said they thought their application was the most aesthetically pleasing of the available choices. He said they done photo-simulations of flagpoles and mono-pines but those had looked out of character for the area.

Commissioner Combs asked if the other carriers might choose to leave the area. Mr. Jones said typically when a lease approaches five years from the termination date that carriers start looking for a site. He said the Fire Chief had worked with them to extend their tenancy as long as they could. He said he was sure the other carriers were looking for suitable relocation sites. He said he had to assume that if they were to leave the area, they would have a coverage gap, noting that he was not privy to their propagation maps. He said many of the cell tower sites in Menlo Park have multiple carriers located there. He noted the new Facebook building would have five carriers co-located there.

Commissioner Onken asked if the maker of the motion supported the amendment to revisit the project in three years. He said if so he could support the motion. Commissioner Strehl said she would accept the friendly amendment to revisit the project in three years.

Mr. Jones said his concern was whether the current City standards would still apply in three years time.

Senior Planner Chow said that if the use permit was reviewed in three years and there were changes to the code that the new code would apply.

Mr. Jones suggested a condition to require that AT&T provide staff a health and safety compliance report annually and to have a revisit to determine if it complies with the conditions of approval.

Commissioner Bressler asked if they could make the project look better. Mr. Jones said they could work with staff and building on making color changes. Chair Eiref said lowering the tower a couple of feet would make a great difference.

Mr. Jones went to discuss this idea with his radio consultant. When he returned, he said they could possibly lower the antennas one foot or two foot. He said however that the reflection reports showed the antennas propagation capability just passed at the proposed height. Chair Eiref said he would like the determination made as to exactly how high the antennas needed to be to work well. Mr. Jones said when they installed they could have an independent company assess the needed height for usability. If the antennas could be lower than what was proposed they would make the wall shorter.

Commissioner Onken said it was not up to staff or the Commission to determine what worked for RF. He said he would make a motion for the screen wall to be limited so that the building height was limited to 41-foot six-inches. Commissioner Strehl noted she had made a motion and she was willing to accept the friendly amendment to limit the overall building height at 41-foot six inches but drop the requirement for a review in three years. Commissioner Onken seconded the motion.

Commission Action: M/S Strehl/Onken moved to approve as recommended in the staff report with the following modification.

1. Make a finding that the project is categorically exempt Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make necessary findings, pursuant to 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 safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. (Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)
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 Jeffrey Rome Associates, dated received October 2, 2014, and approved by the Planning Commission on November 3, 2014, consisting of 19 plan sheets except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - a. Prior to building permit issuance, the applicant shall comply with all County State, and Federal regulations that are directly applicable to the project.
 - b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division that are directly applicable to the new construction.
4. Approve the use permit subject to the following non-standard conditions:
 - a. Within thirty (30) days of the installation of the permanent antenna facility, the applicant shall remove the temporary antennas and associated equipment and restore the number of available parking spaces in the parking lot from 232 to 234 parking spaces, subject to review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall reduce the height of the screen wall to not exceed 41 feet, 6 inches in height. All antenna and associated equipment shall not be visible above the screen wall. The revised plans shall be subject to review and approval of the Planning Division

Motion carried 5-0 with Commissioner Kadvany opposed and Commissioner Ferrick absent.

Senior Planner Chow said staff's understanding of the motion was that the proposal would entirely screen the antenna at 41-foot six-inches building height.

Comments were made as to the potential impact on coverage for AT&T users in the vicinity.

D5. Development Agreement Annual Review/Facebook/1 Hacker Way and 1 Facebook Way: Annual review of the property owner's good faith compliance with the terms of the Development Agreements for the East and West Campus Projects. (*Attachment*)

Staff Comment: Contract Planner Hogan said staff had no additional comments.

Public Comment: Mr. Justin Gurvitz, Facebook, and Lauren Swezey, Facebook, said they were available for questions. Replying to a question from Chair Eiref, Mr. Justin Gurvitz said that the software for the trip generation would not ping the City should the trip cap be exceeded but would generate daily reports to City staff which they could review and tally for compliance. He said at no time yet have they been even close to triggering the trip cap and they were at parking capacity. Contract Planner Hogan noted that they were at 60% of the trip cap. Mr. Justin Gurvitz said they were still trying to get the software to do everything they hoped it would. He said when the agreement was developed there was no existing software to provide what the City was requesting so what they have was a made to order software.

Ms. Lauren Swezey said her last conversation with their Transportation Department was that they were receiving automatic notices on the trip cap and they would be happy to work with the City to set that up. She said she thought it was working and there just needed to be training to produce the needed information.

Contract Planner Hogan said the annual review period ended in September so they were past things previously report. He said for instance the report indicated that projects were acquiring encroachment permits but now those projects would actually start construction in a month.

Ms. Swezey said the staff report indicated an initial distribution of the Local Community Fund was made this review year but it was a second distribution as the initial distribution would have been the one they made the first review year.

Commissioner Combs said the agreements stipulated Facebook would encourage local jobs and job fairs were mentioned as the action. He asked if there was any data on Menlo Park residents being hired by Facebook. Ms. Swezey said the agreements require they hold Job Fairs and they had just conducted one October 27 but there were no statistics on who was being hired. Commissioner Combs asked how they engage local purchasing. Ms. Swezey said it was an effort of their Facilities and Culinary teams to go to local businesses and directly purchase products. She said they have also reached out to local restaurants to invite them to do catering on campus. She said she monitors outreach and use of local businesses as well as other monitoring of the development agreements.

Commissioner Onken said this evening he did not have to recuse himself as it had been over a year since he had been employed by Facebook as one of the local businesses. He said everything was indicated as having been completed. He asked about ongoing efforts for local purchasing noting his particular interest was their relationship with the Belle Haven neighborhood. Ms. Swezey said they saw local purchasing as an ongoing relationship and not

a completed relationship. She said they continue to reach out to the neighborhoods including Belle Haven, noting she does the community outreach.

Commissioner Kadvany said regarding Transportation Demand Management (TDM) that the Commission has heard comments that TDM was easier for a one company site as opposed to a multiple tenant site. He asked how they promoted their TDM program. Ms. Swezey said the traffic conditions experienced on Hwy. 101 motivates their employees to get out of their cars and seek out alternative transportation. She said new employees were told on their first day of work about alternative transportation options. She said they have not had to promote as employees seek them out for alternative transportation options and see the TDM program as a benefit. She said their alternative commute use was at 40 percent. Commissioner Kadvany asked about the trip count. Ms. Swezey said that the numbers produced by the sensors and software have also been corroborated separately periodically with manual counts. Commissioner Kadvany asked about the Bay Trail gap closure goal of 2026. Ms. Swezey said their transportation team has a consultant working to keep all of the stakeholders involved and move the project along but currently it was very challenging.

Commissioner Strehl said she had worked on the Bay Trail years prior when she worked for Lockheed and it moved slowly. She asked what percentage of their employees use public transit. Ms. Swezey said it varied but ranged between 40 and 47% of their employees, depending on the time of year noting that more employees ride bicycles on warmer days. She said that percentage includes their Facebook buses. Commissioner Strehl asked if they have a ride-matching service they utilize. Ms. Swezey said they worked with ZIM ride and helped get it started but found carpooling was more the result of interrelationships among employees and not platforms. She said they do have vanpools coming from all over the Bay area and areas where they do not have buses running.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Strehl moved to find the property owner's good faith compliance with the terms of the Development Agreements for the Facebook East and West Campus Projects. Commission Bressler seconded the motion.

Commissioner Bressler said the intersection of Middlefield and Willow Roads was completed but noted the traffic was still particularly bad during rush hour going into and out of Palo Alto. He said that was not Facebook's impact but asked what could be done to alleviate the problem.

Development Services Manager Murphy said Facebook had been responsible for mitigation improvements but the traffic was not necessarily related to Facebook. He said recent improvements include installing a "no right turn on red light" from Middlefield Road onto Willow Road. He said that would be fully implemented soon with signage and tree trimming, and would be monitored by the City.

Commission Action: M/S Strehl/Bressler to make the finding and determine upon the basis of substantial evidence that Facebook has for the Development Agreements review year of October 2013 and September 2014 complied in good faith with the terms and conditions of both Development Agreements.

Motion carried 6-0 with Commissioner Ferrick absent.

E. REGULAR BUSINESS

E1. Review of Draft 2015 Planning Commission Meeting Dates

Staff Comment: Development Services Manager Murphy said the memo explained staff's thinking regarding the selection of meeting dates for 2015 and were looking for the Commission's approval or feedback. He said if there were no changes they would publish the 2015 meeting calendar.

Commissioner Strehl noted that July 6 was a less than an ideal day to meet as it was part of a holiday weekend.

Development Services Manager Murphy said one option was to keep the date understanding there might be a potential to cancel the meeting or to pick another date. He said typically they tried to not do back to back meetings. He suggested they could schedule July 13 and July 20.

Commissioner Onken confirmed with staff that the Fridays when City Hall was closed would not create a problem rescheduling the one meeting date. He said they could either meet June 29 or July 13 rather than July 6. Chair Eiref said he would prefer July 13. Development Services Manager Murphy confirmed with the Commission there was general consensus to publish the calendar as proposed except for the one meeting date change from July 6 to July 13.

F. COMMISSION BUSINESS

There was no Commission Business.

G. STUDY SESSION

There was no Study Session.

ADJOURNMENT

Chair Eiref adjourned the meeting at 9:25 p.m.

Staff Liaison: Senior Planner Chow

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 8, 2014